

REMARKS

Summary of Office Action

Claims 1-16, 18-36, 38-56, 58-75 and 77-95 are pending.

Claims 1-16, 18-36, 38-56, 58-75 and 77-95 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 1, 2, 4, 5, 7, 18-22, 24, 25, 27, 38-42, 44, 45, 47, 58-62, 64, 65, 67, and 78-83 were rejected under 35 U.S.C. § 102(e) as being anticipated by Shah-Nazaroff et al. U.S. Patent No. 6,157,377 ("Shah-Nazaroff"). Claims 3, 6, 8-16, 23, 26, 28-36, 43, 46, 48-56, 63, 66, 68-75 and 77 were rejected under 35 U.S.C. § 103(a) as being obvious from Shah-Nazaroff in view of various combinations of Hofmann U.S. Patent No. 5,883,677 ("Hofmann"), Matthews III et al. U.S. Patent No. 5,815,145 ("Matthews"), Banker U.S. Patent No. 5,485,221 ("Banker"), Lett U.S. Patent No. 5,771,064 ("Lett"), Lewis U.S. Patent Application No. 2003/0040962 ("Lewis"), Aristides U.S. Patent No. 5,630,119 ("Aristides"), Rosin U.S. Patent No. 6,028,600 ("Rosin"), and Hooper U.S. Patent No. 5,414,455 ("Hooper").

Claims 84-95 have not been rejected in view of any prior art. Applicant understands this to mean that these claims are patentable over the prior art of record. Applicant appreciates the apparent indication of allowable subject matter in claims 84-95.

Summary of Telephonic Interview

Applicant would like to thank the Examiner for the courtesies extended during the June 2, 2011 telephonic interview with the undersigned. During the interview, the

Examiner's rejections with respect to the independent claims were discussed. With respect to the Section 112 rejections, applicant indicated to the Examiner where the claimed subject matter is supported by the originally-filed application and the Examiner agreed that the claims are fully supported. Applicant also proposed amendments to the independent claims (discussed below) in view of the prior art rejections. The Examiner indicated that further consideration would be required for the amendments.

Summary of Applicant's Reply

Applicant has amended claims 1, 21, 41, 61, 84-87, 90 and 93 in order to more particularly define the claimed invention. No new matter has been added. The amendments are fully supported by the application as originally filed (see, e.g., applicant's specification at paragraphs 86, 87, 89 and 93).

The Examiner's rejections are respectfully traversed.

Applicant's Reply to the Section 112 Rejection

Claims 1-16, 18-36, 38-56, 58-75 and 77-95 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner alleges that the limitation "receiving a user request to display a first set of on-demand media data" is not supported. As acknowledged by the Examiner during the interview, applicant's independent claims 1, 21, 41 and 61 are fully supported by the specification at least in paragraphs 86 and 87. During the interview, the Examiner agreed to withdraw the Section 112 rejection of claims 1-16, 18-36, 38-56, 58-75

and 77-95 on that basis. Accordingly, applicant respectfully requests that the Section 112 rejection be withdrawn.

Applicant's Reply to the Prior Art Rejections

Claims 1, 2, 4, 5, 7, 18-22, 24, 25, 27, 38-42, 44, 45, 47, 58-62, 64, 65, 67, and 78-83 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Shah-Nazaroff.

Claims 3, 6, 8-16, 23, 26, 28-36, 43, 46, 48-56, 63, 66, 68-75 and 77 were rejected under 35 U.S.C. § 103(a) as being obvious from Shah-Nazaroff in view of various combinations of Hofmann, Matthews, Bunker, Lett, Lewis, Aristides, Rosin, and Hooper.

Applicant respectfully traverses these rejections.

Applicant respectfully submits that Shah-Nazaroff fails to show or suggest receiving a user request to display a set of on-demand media data and in response to the user request (1) displaying the set of on-demand media data and (2) without further user input, retrieving, from the on-demand media data source, additional on-demand media data that corresponds to the displayed set of on-demand media data and that is different from the displayed set of on-demand media data, as defined by applicant's amended independent claims 1, 21, 41 and 61.

In the Office Action, the Examiner relies on FIG. 5 of Shah-Nazaroff to base the rejection of claims 1, 21, 41 and 61. However, while FIG. 5 of Shah-Nazaroff displays on-demand media titles (i.e., the alleged set of on-demand media data), nowhere does Shah-Nazaroff show or suggest retrieving additional on-demand media data corresponding to and different from the displayed titles from an on-demand media data source without further user input in response to a request to display the on-demand media titles. More specifically, the various download and video quality upgrade options displayed in FIG. 5

of Shah-Nazaroff for each on-demand media title are not the same as the claimed "additional on-demand media data" because although those options are displayed when the user requests the display of on-demand media titles, the options are already displayed and thus necessarily not retrieved for subsequent display from an on-demand media data source in response to that same request, as required by the claim.

Furthermore, the on-demand content delivered upon selection of one of those displayed options also cannot be analogized with the claimed "additional on-demand media data." This is because in Shah-Nazaroff the retrieval of the on-demand content requires a specific user request for the on-demand content (e.g., selection of a delivery option) separate from the request to display the on-demand media titles of FIG. 5. Thus, since the delivery of the on-demand content requires a separate user request from the request to display the on-demand titles, the on-demand content is not retrieved "without further user input" and in response to a request to display the set of on-demand media data, as required for the claimed "additional on-demand media data."

Finally, the Examiner alleges that Shah-Nazaroff discloses automatically retrieving on-demand media data in stating that program information is periodically retrieved from the video source based on user preference citing to col. 4, lines 1-7. Applicant can find no disclosure in the cited portions of Shah-Nazaroff of program information being retrieved based on "user preference," as alleged by the Examiner. Furthermore, while the cited portions of Shah-Nazaroff state that updated programming information is received automatically, nowhere does Shah-Nazaroff show or suggest that such programming information is retrieved without user input

"in response to receiving a request to display a set on-demand media data," as claimed. At most, the updated programming information is received on a daily basis and not responsive to any user request.

Therefore, Shah-Nazaroff does not show or suggest all the features of applicant's claims 1, 21, 41 and 61.

Hofmann, Matthews, Bunker, Lett, Lewis, Aristides, Rosin and Hooper, which the Examiner uses in the rejection of other elements of applicant's dependent claims, do not make up for the deficiencies of Shah-Nazaroff relative to the rejection.

For at least these reasons, applicant respectfully submits that claims 1, 21, 41 and 61, and claims 2-16, 18-20, 22-36, 38-40, 42-56, 58-60, 62-75, and 77-95, which depend, directly or indirectly, variously from claim 1, 21, 41 or 61 are allowable over the art of record.

Conclusion

For at least the reasons set forth above, applicant respectfully submits that this application is in condition for allowance. Reconsideration and prompt allowance are accordingly respectfully requested.

Respectfully submitted,

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